

Standard USG-1: The student will demonstrate an understanding of the United States government—its origins and its functions.

USG-1.2 Summarize differing ideas about the purposes and functions of law, including the “rule of law” and the “rule of man” and the idea that the “rule of law” protects not only individual rights but also the common good and summarize the sources of laws, including nature, social customs, legislatures, religious leaders, and monarchs. (P)

Taxonomy Level: 2.4-B Understand Conceptual Knowledge

Previous/future knowledge:

Students will have had extensive exposure to the study of civilizations and the role of laws in civilization. They will have created a general understanding of the nature/purpose of laws and the implementation of laws in distinct, historical settings.
(6-2.3; 6-3.2; 6-3.6; 7-2.1; 7-2.3; 7-5.4; USHC 2.1)

It is essential for students to understand the concept of the “rule of law” and how it differs from the “rule of man”. The rule of law limits the power of government, the ability of officials to make arbitrary and capricious decisions, and stresses the supremacy of established law – constraining the power of government in subservience to the law. While the rule of law is closely associated with limiting government in order to protect individual rights it also places limits on these rights to promote the common good. Students need to understand the function and intent of laws and connect that intent to the where/why various laws originate. They need to be aware of written law (constitutions) and unwritten law (common law) and the legitimacy of both forms. While students do not need to know specific philosophers in this indicator they should have knowledge of the social contract theory and how it relates to legitimacy of law.

It is not essential for students to know and identify the various philosophies on the source of laws. Also, it is not necessary for students to know how laws are created in various governmental systems.

Assessment Guidelines:

The objective of this indicator is to summarize the rule of law. Assessment should include characterization of the nature, purpose, and source of laws. A primary focus of assessment should account for an understanding of rule of law and the impact it has on how governments and societies operate. Assessments should also include a comparison between rule of law and rule of man and the attributes of each.